

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CITY OF TACOMA, a Washington
Municipal Corporation,

Plaintiff,

V.

WORLDGATE COMMUNICATIONS, INC.,
a Delaware Corporation,

Defendant.

Civil Action No. 05-62-GMS

ORDER

AND NOW this _____ day of _____, 2005, upon consideration of the City of Tacoma's motion to dismiss WorldGate's unjust enrichment counterclaim pursuant to Fed. R. Civ. P. 12(b)(6) and all papers submitted in support thereof and in opposition thereto,

IT IS HEREBY ORDERED that the City's motion is DENIED.

THE HONORABLE GREGORY M. SLEET
UNITED STATES DISTRICT COURT JUDGE